

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	18cr749 (DLC)
	:	
WYKEE JOHNSON,	:	
	:	<u>ORDER</u>
Defendant.	:	
	:	
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DENISE COTE, District Judge:

On December 21, 2018, Wykee Johnson pleaded guilty to one count of using, carrying, and brandishing a firearm during a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii). On March 22, 2019, Johnson was sentenced to 84 months' imprisonment. Johnson is currently incarcerated at United States Penitentiary Canaan. He is thirty-five years old, and the Bureau of Prisons projects that he will be released on May 5, 2025.

On December 14, 2020, Johnson applied for compassionate release with his warden. The warden denied his request on December 16. Johnson, proceeding pro se, moved this Court for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), and requested the appointment of counsel.<sup>1</sup>

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<sup>1</sup> Johnson's motion is not dated, but it was received and docketed by these Chambers on February 17, 2021.

Since Johnson requested administrative relief from his warden and his request was denied, Johnson has exhausted his administrative remedies. Upon exhaustion of administrative remedies, the Court may reduce the petitioner's sentence if it finds that "extraordinary and compelling reasons" warrant a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). In evaluating a request for a reduction, the Court must consider the sentencing factors set forth at 18 U.S.C. § 3553. The Court of Appeals for the Second Circuit has explained that, under the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted).

Johnson's motion is denied. His petition refers to the risk of contracting COVID-19 while incarcerated but he does not mention any underlying medical conditions that increase his risk of developing a serious case of COVID-19. Johnson also lists his need to care for his elderly parents as a basis for compassionate release. Johnson does not provide detail about their situation and whether others are in a position to assist them. Even if it is assumed that Johnson has presented an extraordinary and compelling reason for compassionate release, however, the § 3553(a) factors weigh against his release.


Johnson was convicted of a serious violent crime, which involved him firing a gun on the streets of the Bronx. Johnson also has a lengthy criminal history. The Court nonetheless imposed the mandatory minimum sentence for the offense of conviction. No further reduction is warranted. Accordingly, it is hereby

ORDERED that the motion for compassionate release pursuant to § 3582(c)(1)(A) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Johnson a copy of this Order and note mailing on the docket.

SO ORDERED:

Dated: New York, New York  
February 22, 2021

  
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DENISE COTE  
United States District Judge